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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,119	12/21/1998	ANDREW M. PROEHL	80398-P158	3529

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/218,119

Applicant(s)

PROEHL ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: Page 8, line 24: Figure 4 should read Figure 3.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 18-20, and 25-34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,699,107 to Lawler.

Regarding claim 1, Lawler discloses a program reminder system in which a user designates a program which they are interested in, retrieves program information related to that program, and prior to the program broadcast, a reminder signal is sent to the user to notify the user of the program broadcast (column 10-line 60-column 11, line 17, 30-39, column 12, 35-55).

Regarding claim 2, Lawler discloses a program reminder system that a user tunes to a new channel in response to the program reminder notification (column 13, lines 1-6).

Regarding claim 3, Lawler discloses in Figure 9, a program reminder system that displays a reminder notification.

Regarding claim 4, Lawler discloses in Figure 9, a program reminder system that displays a reminder notification and allows a user to select to view the program (column 13, lines 1-6).

Regarding claim 5, Lawler discloses in Figure 2 an action key 70, which is used to select the television program (column 13, lines 1-6).

Regarding claim 6, Lawler discloses a program reminder system that displays a reminder notification and allows a user to select to view the program upon pushing a button 70 (column 13, lines 1-6).

Regarding claim 7, Lawler discloses a program reminder system, which displays a reminder to a user several minutes before each designated program is to start (column 12, lines 53-63).

Regarding claim 8, Lawler discloses a program reminder system, which provides a second reminder five seconds before the program's start time; the user can then tune to the program (column 12, lines 35-43, 53-63).

Regarding claim 9, Lawler discloses in Figure 6, a program guide with a reminder button 140 which a user uses to create a future program reminder event (column 13, lines 7-16).

Regarding claim 10, Lawler discloses in Figure 6, a program guide calendar which a user may use to set a reminder to watch a show in the future by pressing a remind button 140.

Regarding claim 18, Lawler discloses in Figure 2 an action key 70 that is used by a subscriber to select a television program (column 13, lines 1-6).

Regarding claim 19, Lawler discloses in Figure 2, a set top box 18 with an analog decoder 42 for decoding broadcast TV, a network communication interface 56 for decoding control signals from the headend, a CPU 58 which delivers or requests information to/from the headend and controls selection of programming as well as the program guide (column 6, lines 7-31) column 7, lines 8-16).

Regarding claim 20, Lawler discloses that CPU 58, which is responsible for operation of set top box 18, generates a second reminder 5 asking if the user has an interest in the program (column 12, lines 35-43, 53-63, Figure 4).

Regarding claim 25, Lawler discloses a program reminder system, which provides a second reminder five seconds before the program's start time; the user can then tune to the program (column 12, lines 35-43, 53-63).

Regarding claim 26, Lawler discloses in Figure 2, a video display 20 and in Figure 9, a reminder notification 152 overlaid on a TV program.

Regarding claim 27, Lawler discloses in Figure 9, a program reminder system that displays a TV program reminder in a window prior to the beginning of a program and tunes to the program once a user presses a button 70 on the remote control (column 13, lines 1-6).

Regarding claim 28, Lawler discloses that the user presses a button 70 on the remote control to tune to the programming (column 13, lines 1-6).

Regarding claim 29, Lawler discloses that the user presses a button 70 on the remote control to tune to the programming (column 13, lines 1-6), and analog or digital decoder is used to tune and decode the picture (column 6, lines 7-23).

Regarding claim 30, Lawler discloses a program reminder system that displays a reminder to a user several minutes before each designated program is to start (column 12, lines 53-63).

Regarding claim 31, Lawler discloses in Figure 6, a program guide with a reminder button 140 which a user uses to create a future program reminder event (column 13, lines 7-16).

Regarding claim 32, Lawler discloses in Figure 6, a program guide calendar which a user may use to set a reminder to watch a show in the future by pressing a remind button 140.

Regarding claim 33, Lawler discloses a program reminder system in which a user designates a program which they are interested in, retrieves program information related to that program, and prior to the program broadcast, a reminder signal is sent to the user to notify the user of the program broadcast (column 10-line 60-column 11, line 17, 30-39, column 12, 35-55).

Regarding claim 34, Lawler discloses a program reminder system, which a user tunes to a new channel in response to the program reminder notification (column 13, lines 1-6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,699,107 to Lawler in view of U.S. Patent 5,745,693 to Knight.

Regarding claim 23, Lawler discloses in Figure 9, a program reminder system that displays a TV program reminder in a window prior to the beginning of a program. Lawler also discloses in Figures 6 a program guide (Figure 6) with a remind button 140 and cancel button 132. Lawler does not disclose a reminder system, which includes a button in the notification window, but instead utilizes a button 70 on the remote control (column 13, lines 1-6). Knight discloses a system for analyzing recorded network data which generates reports and includes a second user prompt for a user to complete their selection (column 11, lines 39-50). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the second reminder window of Lawler to include a second prompt as taught by Knight thereby reducing the complexity and number of buttons on a subscribers remote control.

Regarding claim 24, Lawler also discloses in Figures 6 a program guide (Figure 6) with a remind button 140 and cancel button 132. Lawler does not disclose a reminder system, which includes a button in the notification window. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the reminder window to include a confirmation button thereby reducing the number of buttons and the complexity of the remote control.

Claims 11-17, 21, 22, and 35-37 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,699,107 to Lawler in view of U.S. Patent 5,583,560 to Florin.

Regarding claim 11, Lawler discloses a program reminder system in Figures 4 and 6, in which a user selects a TV program from a program guide which they wish to view at a later date via remind button 140 or cancel button 132, the program guide provides descriptive information on the program, five seconds before the program's start time a reminder is generated in a window which is placed over the currently watched program (Figure 9, column 12, lines 35-43, 53-63). Lawler does not disclose a system in which the reminder notification appears during a commercial advertisement. Florin discloses a system in which a flashing icon 400 appears on a TV screen (Figure 44) during an advertisement which when selected provides more information to the user regarding the advertised product (column 23, line 45-column 24, line 20). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Lawler to use the on screen icon of Florin for select a program viewing reminder thus providing a number of impulse program choices to a user.

Regarding claim 12, Lawler discloses a program reminder system which provides a second reminder five seconds before the program's start time which is overlaid over the currently watched program (Figure 9); the user can then tune to the program action button 70 if they are interested in viewing the program (column 12, lines 35-43, 53-63, column 13, lines 1-6).



Regarding claim 13, Lawler discloses a program reminder system which provides a second reminder five seconds before the program's start time which is overlaid over the currently watched program (Figure 9, column 12, lines 35-43, 53-63).

Regarding claim 14, Lawler discloses in Figure 2 an action key 70 that is used by a subscriber to select a television program (column 13, lines 1-6).

Regarding claim 15, see claim 14.

Regarding claim 16, Lawler discloses in Figure 2 an action key 70 that is used by a subscriber to select a television program and tunes to the proper channel (column 13, lines 1-6).

Regarding claim 17, see claim 13.

Regarding claim 21, Lawler discloses a program reminder system which provides a second reminder five seconds before the program's start time which is overlaid over the currently watched program (Figure 9); the user can then tune to the program action button 70 if they are interested in viewing the program (column 12, lines 35-43, 53-63, column 13, lines 1-6). Lawler does not disclose a system in which the reminder notification appears during a commercial advertisement. Florin discloses a system in which a flashing icon 400 appears on a TV screen (Figure 44) during an advertisement which when selected provides more information to the user regarding the advertised product (column 23, line 45-column 24, line 20). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Lawler to use the on screen icon of Florin for select a program viewing reminder thus providing a number of impulse program choices to a user.

Regarding claim 22, Lawler discloses in Figure 9, a program reminder system that superimposes a program-viewing window over the currently watched program.

Regarding claim 35, Lawler discloses a program reminder system which provides a second reminder five seconds before the program's start time which is overlaid over the currently watched program (Figure 9); the user can then tune to the program action button 70 if they are interested in viewing the program (column 12, lines 35-43, 53-63, column 13, lines 1-6). Lawler does not disclose a system in which the reminder notification appears during a commercial advertisement. Florin discloses a system in which a flashing icon 400 appears on a TV screen (Figure 44) during an advertisement which when selected provides more information to the user regarding the advertised product (column 23, line 45-column 24, line 20). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Lawler to use the on screen icon of Florin for select a program viewing reminder thus providing a number of impulse program choices to a user.

Regarding claim 36, Lawler discloses a program reminder system in Figures 4 and 6, in which a user selects a TV program from a program guide which they wish to view at a later date via remind button 140 or cancel button 132, the program guide provides descriptive information on the program, five seconds before the program's start time a reminder is generated in a window which is placed over the currently watched program (Figure 9, column 12, lines 35-43, 53-63). Lawler does not disclose a system in which the reminder notification appears during a commercial advertisement. Florin discloses a system in which a flashing icon 400 appears on a TV screen (Figure 44)

during an advertisement which when selected provides more information to the user regarding the advertised product (column 23, line 45-column 24, line 20). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Lawler to use the on screen icon of Florin for select a program viewing reminder thus providing a number of impulse program choices to a user.

Regarding claim 37, Lawler discloses a program reminder system which provides a second reminder five seconds before the program's start time which is overlaid over the currently watched program (Figure 9); the user can then tune to the program action button 70 if they are interested in viewing the program (column 12, lines 35-43, 53-63, column 13, lines 1-6).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-372-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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HBL  
May 6, 2002

  
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